

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION,
et al.,

Plaintiffs,

v.

E.I. DU PONT DE NEMOURS AND
COMPANY, et al.,

Defendants.

Case No. 1:19-cv-14766-RMB

Bench Trial No. 1

**SUPPLEMENTAL JOINT FINAL PRETRIAL ORDER [FILED WITH
LEAVE OF THE SPECIAL MASTER]**

Pursuant to leave of court granted by Special Master Schneider, the following shall constitute the Supplemental Final Pretrial Order pursuant to Rule 16, Federal Rules of Civil Procedure. This Supplemental Final Pretrial Order, along with the Final Pretrial Order filed on May 12, 2025 (Dkt. 637), shall govern the conduct of the first “mini” trial of this case (Dkt. 613). Consistent with Case Management Order No. 8 and the Special Master’s instructions during the May 6, 2025 final pretrial conference, this Supplemental Final Pretrial Order addresses only the trial of liability under Count 1 (Spill Act) and Count 4 (Brownfield and Contaminated Site Remediation Act) of the Third Amended Complaint against Defendant EIDP, Inc., f/k/a E. I. du Pont de Nemours and Company (“EIDP”). Separate Pretrial Orders will be entered regarding the remaining claims and issues.

INDEX OF EXHIBITS AND APPENDICES.

| Exhibit | Supplemental Final Pretrial Order Section | Description |
|-------------------------------------|---|---|
| 4A-1 [Corrected] 4A-6 4A-7 | Part VI | Plaintiffs' corrected deposition designations |
| 6A | Part VIII(A) | Plaintiffs' exhibits |
| 6B | Part VIII(B) | EIDP's exhibits |
| 6C | Part VIII(B) | Common exhibits |

PART VI. TESTIMONY BY DEPOSITION

1. The parties incorporate the paragraphs from Part VI of the Final Joint Pretrial Order herein.

2. After identifying an error in pagination for two deposition transcripts, Special Master Schneider granted Plaintiffs leave to amend their designations and for EIDP to amend their counter-designations and objections to those transcripts. The corrected designations are contained in **Exhibit 4A-1 [Corrected]**, and EIDP's objections and counter designations to Plaintiffs' corrected designations are contained in **Exhibits 4A-6 and 4A-7**.

PART VIII. EXHIBITS

3. The parties incorporate the paragraphs from Part VIII of the Final Joint Pretrial Order herein.

4. Plaintiffs' Exhibit List is contained within **Exhibit 6A**, and EIDP's Exhibit List is contained within **Exhibit 6B**.

A. Common Exhibits

5. The exhibits that the parties have agreed that any of them may offer at trial are listed in **Exhibit 6C** (except demonstrative exhibits and exhibits to be used solely for impeachment). Any party may move to have an exhibit(s) on the Common Exhibit List admitted into evidence. By agreeing to the inclusion of an exhibit on the Common Exhibit List, no party is (a) making any admission concerning the relevance or contents of the exhibit, or (b) assenting to the use of an exhibit for any and all purposes.

CONCLUDING CERTIFICATION

We hereby certify by the affixing of our signatures to this Supplemental Final Pretrial Order that it reflects the efforts of all counsel and that we have carefully and completely reviewed all parts of this Order prior to its submission to the Court. Further, it is acknowledged that amendments to this Final Pretrial Order will not be permitted except where the Court determines that manifest injustice would result if amendment is not allowed.

It is hereby ORDERED this 14th day of May, 2025, that the foregoing Supplement
JFPTO is APPROVED.

Reviewed and Approved this 14th day of May, 2025

/s/ Joel Schneider

Hon. Joel Schneider (Ret.), Special Master

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